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ENERGY RESEARCH AND DEVELOPMENT

A
greement Between the
UNITED STATES OF AMERICA
and JAPAN

Signed at Washington May 2, 1979

with

Exchange of Notes

NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89–497, approved July 8, 1966 (80 Stat. 271; 1 U.S.C. 113)—

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JAPAN

Energy Research and Development

Agreement signed at Washington May 2, 1979;
Entered into force May 2, 1979.
With exchange of notes.

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF JAPAN ON COOPERATION IN RESEARCH AND DEVELOPMENT IN ENERGY AND RELATED FIELDS

The Government of the United States of America and the Government of Japan,

Desiring to further strengthen cooperative relations between the two Governments, looking toward the twenty-first century,

Recognizing that the energy problem is one of the most important questions to be resolved for world prosperity in this century and in the twenty-first century,

Determined to play a constructive role in resolving this problem through close cooperation,

Believing that cooperation between the two Governments in research and development in energy and related fields is of mutual advantage in insuring a stable supply of energy resources to meet the rapidly growing requirements of not only their own peoples, but all the peoples of the world,

Recognizing the contribution such research and development can make to improvement of the environment, and

Desiring to complement cooperation in energy research and development in appropriate international organizations, including the International Energy Agency,

Have agreed as follows:

ARTICLE I

The two Governments will maintain and intensify their cooperation in research and development in energy and related fields on the basis of equality and mutual benefit.

ARTICLE II

1. Cooperation may be undertaken in the following areas:

(a) Areas of initial emphasis:

(i) Fusion;

(ii) Coal conversion;

(b) Additional areas:

(i) Solar energy conversion by means of photosynthesis;

(ii) Geothermal energy;

(iii) High energy physics;

(iv) Other areas in energy and energy-related research and development as may be mutually agreed.

2. Cooperation in the areas referred to in paragraph 1 above will be undertaken on the basis of equitable sharing of costs and benefits and, with regard to the areas of initial emphasis referred to in paragraph 1(a) above, also in accordance with the principle of balance between areas.

ARTICLE III

Cooperation in the areas referred to in Article II may take the following forms:

(a) Conduct of joint projects and programs, and other cooperative projects and programs;

(b) Meetings of various forms, such as those of experts, to discuss and exchange information on scientific and technological aspects of general or specific subjects and to identify research and development projects and programs which may be usefully undertaken on a cooperative basis;

(c) Exchange of information on activities, policies, practices, and legislation and regulations concerning energy research and development;

(d) Visits and exchanges of scientists, technicians or other experts on general or specific subjects; and

(e) Other forms of cooperation as may be mutually agreed.

ARTICLE IV

Implementing arrangements specifying the details and procedures of cooperative activities in the areas referred to in Article II will be made between the two Governments or their agencies, whichever is appropriate.

ARTICLE V

1. The two Governments will establish a United States-Japan Joint Committee on Energy Research and Development (hereinafter referred to as "the Joint Committee") to review

activities and accomplishments under this Agreement and to give appropriate advice to the two Governments regarding future cooperation.

2. The Joint Committee will consist of six members, three of whom will be designated by the Government of the United States of America and three of whom will be designated by the Government of Japan.

3. The Joint Committee will meet at least once each year, at a mutually agreed time, in the United States of America and Japan alternately.

4. Subordinate committees to facilitate implementation of cooperation in the areas referred to in Article II will be established in accordance with the implementing arrangements referred to in Article IV or as otherwise mutually agreed.

ARTICLE VI

Each Government will notify the other Government of the internal administrative arrangements it has made to insure effective implementation of this Agreement.

ARTICLE VII

1. Scientific and technological information of a non-proprietary nature arising from the cooperative activities under this Agreement may be made available to the public by either Government through customary channels and in accordance with the normal procedures of the participating agencies.

2. The two Governments will give due consideration to the equitable distribution of industrial property resulting from the cooperative activities under this Agreement and of licenses thereof and to the licensing of other related industrial property necessary for the utilization of the results of such cooperative activities, and will consult each other for this purpose as necessary.

ARTICLE VIII

Nothing in this Agreement shall be construed to prejudice existing or future arrangements for cooperation between the two Governments, except as provided in paragraph 3 of Article XI.

ARTICLE IX

Activities under this Agreement shall be subject to budgetary appropriations and to the applicable laws and regulations in each country.

ARTICLE X

The termination of this Agreement shall not affect the carrying out of any project or program undertaken in accordance with the implementing arrangements referred to in Article IV and not fully executed at the time of the termination of this Agreement.

ARTICLE XI

1. This Agreement shall enter into force upon signature and remain in force for ten years.

However, either Government may at any time give written notice to the other Government of its intention to terminate this Agreement, in which case this Agreement shall terminate six months after such notice has been given.

2. This Agreement may be extended by mutual agreement of the two Governments.

3. The Agreement between the Government of the United States of America and the Government of Japan on Cooperation in the Field of Energy Research and Development, signed on July 15, 1974, [1] is superseded by this Agreement.

DONE at Washington on May 2, 1979, in duplicate in the English and Japanese languages, both being equally authentic.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

James R. Schlesinger [2]

FOR THE GOVERNMENT OF JAPAN:

Sunao Sonoda [3]

[1] TIAS 7905; 25 UST 1679.
[2] James R. Schlesinger.
[3] Sunao Sonoda.

る英語及び日本語により本書二通を作成した。

アメリカ合衆国政府のために

日本国政府のために

1　この協定は、署名により効力を生じ、十年間効力を有する。もつとも、いずれの政府も、他方の政府に対し、いつでもこの協定を終了させる意思を書面により通告することができるものとし、その場合には、この協定は、そのような通告が行われた後六箇月で終了する。

2　この協定は、両政府間の相互の合意により延長することができる。

3　千九百七十四年七月十五日に署名されたエネルギーの研究開発の分野における協力のためのアメリカ合衆国政府と日本国政府との間の協定は、この協定によつて代替される。

千九百七十九年五月二日にワシントンで、ひとしく正文であ

第九条

この協定に基づく活動は、各国の予算及び関係法令に従うことを条件とする。

第十条

この協定の終了は、第四条にいう実施取極に従つて行われ、かつ、この協定の終了の時までに履行を完了していないいかなる計画の実施にも影響を及ぼすものではない。

第十一条

することができる。

2　両政府は、この協定に基づく協力活動から生ずる工業所有権及びその実施権の公正な配分並びにこのような協力活動の成果を利用するために必要な関連する他の工業所有権の実施権の設定につき十分な考慮を払うものとし、必要に応じ、この目的のために相互に協議する。

第八条

第十一条3に規定する場合を除くほか、この協定のいかなる規定も、両政府間の協力に関する現在の取極又は将来の取極に影響を及ぼすものと解してはならない。

四条にいう実施取極に従い又は他に合意されるところに従つて小委員会が設置される。

第六条

各政府は、この協定の効果的な実施を確保するためにとつた国内の行政的措置を他方の政府に通報する。

第七条

1　この協定に基づく協力活動から生ずる非所有権的性格の科学的及び技術的情報は、通常の経路を通じ、かつ、参加機関の一般的な手続に従い、双方の政府により、一般の利用に供

第五条

1　両政府は、この協定に基づく活動及び成果を検討し並びに将来の協力に関して両政府に適切な助言を与えるためエネルギーの研究開発に関する米日合同委員会（以下「合同委員会」という。）を設置する。

2　合同委員会は、六人の委員で構成するものとし、そのうち、三人はアメリカ合衆国政府によつて指名され、三人は日本国政府によつて指名される。

3　合同委員会は、少なくとも年一回相互に合意する時期にアメリカ合衆国及び日本国において交互に会合する。

4　第二条にいう分野における協力の実施を容易にするため第

有益に実施することができる研究開発に関する計画を識別するための専門家の会合のような各種の形態の会合

(c) エネルギーの研究開発に関する活動、政策、慣行及び法令に関する情報の交換

(d) 一般的な又は特定の問題に関する科学者、技術者その他の専門家の訪問及び交流

(e) 相互に合意されるその他の形態の協力

第四条

第二条にいう分野における協力活動の細目及び手続を定める実施取極が、両政府又は両政府の機関のいずれか適当な方を当事者として行われる。

合意される分野

2　1にいう分野における協力は、費用及び利益の公平な分配の原則に基づいて行われるものとし、1(a)にいう当初の重点分野については、更に、分野間の均衡の原則に従つて行われる。

第三条

第二条にいう分野における協力は、次の形態により行うことができる。

(a)　共同計画その他の協力計画の実施

(b)　一般的な又は特定の問題の科学的及び技術的側面に関する討議及び情報の交換を行うため並びに協力を基礎として

かつ、強化する。

第二条

1　協力は、次の分野において行うことができる。

(a)　当初の重点分野

(i)　(1)　核融合

(ii)　石炭転換

(b)　その他の分野

(i)　(1)　光合成による太陽エネルギー転換

(ii)　地熱エネルギー

(iii)　高エネルギー物理学

(iv)　エネルギー及びエネルギー関連の研究開発に係る他の

の両政府間の協力が両国の国民のみならず世界のすべての国民の急増する需要を満たすためのエネルギー資源の安定的供給の確保について相互の利益となることを信じ、

このような研究開発が環境の改善に貢献することができるものであることを認め、

国際エネルギー機関を含む適当な国際機関におけるエネルギーの研究開発のための協力を補完することを希望して、

次のとおり協定した。

第一条

両政府は、平等及び相互利益の原則に基づき、エネルギー及びこれに関連する分野における研究開発のための協力を維持し、

エネルギー及びこれに関連する分野における研究開発のための協力に関するアメリカ合衆国政府と日本国政府との間の協定

アメリカ合衆国政府及び日本国政府は、

二十一世紀に向かつて両政府間の協力関係を一層強化することを希望し、

エネルギー問題が今世紀及び二十一世紀における世界の繁栄のために解決されなければならない最も重要な問題の一つであることを認め、

緊密な協力により、この問題を解決するために建設的な役割を果たすことを決意し、

エネルギー及びこれに関連する分野における研究開発のため

[EXCHANGE OF NOTES]

Washington, May 2, 1979

Excellency:

I have the honor to refer to the Agreement between the Government of Japan and the Government of the United States of America on Cooperation in Research and Development in Energy and Related Fields, signed today, (hereinafter referred to as "the New Agreement") and the Agreement between the Government of Japan and the Government of the United States of America on Cooperation in the Field of Energy Research and Development, signed on July 15, 1974 (hereinafter referred to as "the Superseded Agreement"), and to confirm on behalf of the Government of Japan the following understanding:

1. Pursuant to the provisions of paragraph 1 (b) (iv) of Article II of the New Agreement, the two Governments agree that cooperation may be undertaken in the following additional areas referred to in Article III of the Superseded Agreement:

(a) Solar energy applications (excluding "solar energy conversion by means of photosynthesis");

(b) Storage batteries;

(c) Energy applications of hydrogen;

The Honorable
James R. Schlesinger,
Secretary of Energy of
the United States of America.

(d) Magnetohydrodynamic conversion;

(e) Fuel cells;

(f) Electrical energy transmission by superconduction or microwaves;

(g) Advanced propulsion systems;

(h) Energy conservation;

(i) Utilization of waste materials and waste heat.

2. The Implementing Arrangement between the United States Department of Energy and the Agency of Industrial Science and Technology of Japan in the Field of Geothermal Energy Applications, concluded on June 15, 1978 pursuant to the provisions of Article IV of the Superseded Agreement, shall be deemed to be an implementing arrangement made pursuant to the provisions of Article IV of the New Agreement.

I should be grateful if Your Excellency would be good enough to confirm the foregoing understanding on behalf of the Government of the United States of America.

Accept, Excellency, the assurances of my highest consideration.

Sunao Sonoda

Minister for Foreign Affairs
of Japan

May 2, 1979

Excellency:

I have the honor to refer to Your Excellency's Note of today's date which reads as follows:

"I have the honor to refer to the Agreement between the Government of Japan and the Government of the United States of America on Cooperation in Research and Development in Energy and Related Fields, signed today, (hereinafter referred to as 'the New Agreement') and the Agreement between the Government of Japan and the Government of the United States of America on Cooperation in the Field of Energy Research and Development, signed on July 15, 1974 (hereinafter referred to as 'the Superseded Agreement'), and to confirm on behalf of the Government of Japan the following understanding:

"1. Pursuant to the provisions of paragraph 1 (b)(iv) of Article II of the New Agreement, the two Governments agree that cooperation may be undertaken in the following additional areas referred to in Article III of the Superseded Agreement:

His Excellency

Mr. Sunao Sonoda,

Minister for Foreign Affairs

of Japan.

"(a) Solar energy applications (excluding 'solar energy conversion by means of photosynthesis');

(b) Storage batteries;

(c) Energy applications of hydrogen;

(d) Magnetohydrodynamic conversion;

(e) Fuel cells;

(f) Electrical energy transmission by superconduction or microwaves;

(g) Advanced propulsion systems;

(h) Energy conservation;

(i) Utilization of waste materials and waste heat.

"2. The Implementing Arrangement between the United States Department of Energy and the Agency of Industrial Science and Technology of Japan in the Field of Geothermal Energy Applications, concluded on June 15, 1978 pursuant to the provisions of Article IV of the Superseded Agreement, shall be deemed to be an implementing arrangement made pursuant to the provisions of Article IV of the New Agreement.

"I should be grateful if Your Excellency would be good enough to confirm the foregoing understanding on behalf of the Government of the United States of America."

I have further the honor to confirm on behalf of the Government of the United States of America the understanding set forth in Your Excellency's Note.

Accept, Excellency, the assurances of my highest consideration.

James R. Schlesinger

Secretary of Energy

of the United States

of America:

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